

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
SHAEL CRUZ,	:	
	:	
Plaintiff,	:	
	:	21-cv-10002 (VSB)
-against-	:	
	:	<b><u>ORDER</u></b>
EXPAND FOOD USA LLC,	:	
	:	
Defendant.	:	
	:	
-----	X	

VERNON S. BRODERICK, United States District Judge:


Plaintiff filed this action on November 24, 2021, (Doc. 1), and filed an affidavit of service on February 7, 2022, (Doc. 5). The deadline for Defendant to respond to Plaintiff's complaint was January 20, 2022. (*See* Doc. 5.) To date, Defendant has not appeared or responded to the complaint.

On February 15, 2022, I directed Plaintiff to seek a default judgment in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than March 1, 2022. (Doc. 6.) I warned, "If Plaintiff fails to do so or otherwise demonstrate that he intends to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b)." (*Id.*) Plaintiff has not sought default judgment and has taken no other action to prosecute this case.

Accordingly, Plaintiff's claims are dismissed without prejudice pursuant to Rule 41(b). The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: March 2, 2022  
New York, New York

  
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VERNON S. BRODERICK  
United States District Judge